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In re Application of
Edward A. Dennis et al.
Application No. 09/493,601
Filed: January 28, 2000
Attorney Docket No. 041673-0301

**OFFICE OF PETITIONS
ON PETITION**

This is a decision on the petition filed November 7, 2006 to restart the period for response which is being treated as a petition to withdraw the holding of abandonment under 37 CFR 1.181.

The petition under 37 CFR 1.181 is **GRANTED**.

This application became abandoned August 11, 2006 for failure to timely file a response to the non-Final Office Action mailed May 10, 2006 which set a three month period for reply. The instant petition and the instant decision precede the mailing of the Notice of Abandonment.

Petitioner claims that the non-Final Office Action was mailed May 10, 2006 and was never received in that the Office Action was mailed to the wrong address. Petitioners provide proof that a power of attorney, with a request for an address change, was filed by the Assignee on April 25, 2006, prior to the mailing of the non-Final Office Action on May 10, 2006.

A review of the file confirms that a power of attorney and address change was indeed filed on April 25, 2006 and that the USPTO records were not updated prior to the mailing of the non-Final Office Action. The non-Final Office Action was therefore mailed to the wrong address and as petitioners claim, not received.

In view of the above, no petition fees are due and none have been charged.

The abandonment is withdrawn and this matter is being referred to Technology Center 1652 for a re-mailing of the non-Final Office Action and for a restarting of the period for response. Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212. Inquiries regarding the non-Final Office Action should be directed to the Technology Center.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions